

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Brähen et al **GROUP:** 3661
SERIAL NO: 09/801,104 **EXAMINER:** Olga Hernandez
FILED: March 6, 2001
FOR: METHOD AND APPARATUS FOR DISPLAYING
A GEOGRAPHICAL PICTURE ON A SCREEN

Honorable Commissioner of Patents
and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF

This appeal is in response to the Notice of Appeal filed October 5, 2004. A check in the amount of \$340 is enclosed herewith pursuant to 37 C.F.R. §1.17(c).

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I. REAL PARTY OF INTEREST

The real party of interest is Harman Becker Automotive Systems GmbH of Karlsbad, Germany. Harman Becker Automotive Systems GmbH is part of Harman International of California.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

On October 5, 2004 the appellant appealed from the final rejection of claims 1-13 under 35 U.S.C. §103(a). These claims are illustrated in Appendix A and are all the remaining claims in this application.

IV. STATUS OF AMENDMENTS

All the amendments have been entered.

V. SUMMARY OF THE INVENTION

A motor vehicle navigation system includes a position sensor that senses the geographical position of the navigation system and provides a first navigation system position signal indicative thereof. The system also includes a navigation computing unit that receives the first navigation system position signal, and transmits onto a data bus: (i) a first position signal indicative of the position of a trip starting location, (ii) a second position signal indicative of a trip destination

location, and (iii) the received navigation system position signal. A monitor unit receives the first position signal, the second position signal, and the received navigation system position signal. The monitor unit also receives map data from a map memory device. The monitor processes this received data to generate initial image data including map data indicative of the trip starting location, the trip destination and the current position of the navigation system, and presents on a display within the motor vehicle an initial image indicative of the initial image data.

The monitor unit may include a road map memory for storing road map information. The road map memory stores the information that has already been transmitted from the navigation computing unit. This information, which is now locally available in the monitor unit, is available for picture display as needed without requiring communication with the navigation computer. Not until picture information is to be displayed, which is available only in the data memory connected to the data bus, is access to the navigation computer and thus to the data bus necessary, since the data bus is responsible for transmitting the necessary information. This newly transmitted information will displace the outmoded and no longer necessary information from the road map memory of the monitor, as necessary.

In general, modularization facilitates expansion or replacement of individual components. The maximum measure of flexibility in this regard is achieved by the invention in that the navigation computer and the monitor are designed as modules, each of which separately has a microprocessor/computer.

VI. ISSUES

- Whether claims 1-13 are nonobvious over U.S. Patent 6,240,361 to Ise (hereinafter "Ise").

- Whether claims 1-13 are nonobvious over U.S. Patent 5,821,880 to Morimoto (hereinafter “Morimoto”).

VII. GROUPING OF THE CLAIMS

Since the rejection of all the remaining claims is the same, Appellant believes that all the remaining claims stand or fall together.

VIII. ARGUMENT

Claims 1-13 currently stand rejected for allegedly being obvious in view of two different independent prior art references. We shall discuss why the claims are patentable in view of each of these references separately.

A. The Claims are Patentable Over U.S. Patent 6,240,361

Claims 1-13 currently stand rejected for allegedly being obvious in view of the subject matter disclosed in U.S. Patent 6,240,361 to Ise et al (hereinafter “Ise”).

Claim 1

Claim 1 of the present invention recites a navigation system for use in a motor vehicle. The system includes “*a navigation computing unit that receives the first navigation system position signal, and transmits onto the data bus (i) a first position signal indicative of the position of a trip starting location, (ii) a second position signal indicative of a trip destination location, and (iii) the first navigation system position signal*” (cl. 1). The system also includes a monitor unit having a memory device that includes map data, and a monitor computing unit. The monitor computing unit receives from the data bus: (i) the first position signal, (ii) the second position signal and (iii) the received navigation system position signal, and accesses the memory

device to generate initial image data including map data indicative of the trip starting location, the trip destination and the current position of the navigation system. Claim 1 recites that *“the navigation computing unit receives a second navigation position signal indicative of a new position of the navigation system and transmits the second navigation position signal over the data bus to the monitor computing unit, which generates revised image data including map data indicative of the trip starting location, the trip destination and the updated position of the navigation system, which is provided for display on said display device.”* (cl. 1).

Significantly, the navigation system of claim 1 includes a navigation computing unit and a monitor computing unit. As set forth in claim 1, the monitor computing unit receives position data from the navigation computing unit, and generates initial image data that is displayed to a user.

The Official Action recognizes that **Ise discloses only a single computing unit - the CPU 10** (see Official Action, pg. 5, line 7). Specifically, the Official Action states:

“While the present invention uses two different devices for receiving from the data bus (i) the first position signal, (ii) the second position signal and (iii) the received navigation system position signal, and accesses the memory device to generate initial image data including map data indicative of the trip starting location, the trip destination and the current position of the navigation system. The prior art uses only one. So, it would have been obvious to one of ordinary skill in the art to use two different unit in order to share responsibility and provide faster respond.” (Official Action, pg. 5, lines 3-9).

A prima facie obviousness rejection has not been presented. There is nothing on the record to indicate why a skilled person would have modified the structure disclosed in Ise based upon the teaching of Ise or another suggestion in the prior art. The Official Action simply includes an unsupported conclusionary contention that a person of ordinary skill would have found it obvious to use two different units in order to share responsibility and provide faster response (the Official

Action also fails to identify when the skilled person would have allegedly found it to be obvious). An obviousness rejection must include a statement regarding where the alleged suggestion is in prior art. *“Although the Commissioner suggests that [the structure in the primary prior art reference] could readily be modified to form the [claimed] structure, [t]he mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.”* In re Laskowski, 10 U.S.P.Q.2d 1397, 1398 (Fed. Cir. 1989), citing In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984).

In the present case the Official Action is lacking the necessary factual and non-conclusionary reasoning regarding why one of ordinary skill in the art, at the time of the present invention, would have been motivated to modify Ise as suggested. It is respectfully submitted that a prima facie case of obviousness has not been presented.

Claim 7

Claim 7 of the present invention also recites a navigation system for use in a motor vehicle. The navigation system recited in claim 7 includes: (i) a navigation computing unit and (ii) *“means responsive to (i) said first position signal, (ii) said second position signal and (iii) said received navigation system position signal and said map data, for generating initial image data including map data indicative of the trip starting location, the trip destination and the current position of the navigation system;”* (cl. 1). As set forth with respect to claim 1, the Official Action admits that Ise discloses only a single computing unit (see Official Action, pg. 5, lines 8-9). However, again the Official Action simply includes an unsupported conclusionary contention that a person of ordinary skill would have found it obvious to use two different units in order to share responsibility and provide faster response. Hence, it is respectfully submitted

that claim 7 is patentable for at least the same reasons set forth above with respect to claim 1.

Claim 13

Claim 13 recites a method of generating an image for display by a motor vehicle navigation system that includes a navigation computing unit, a data bus and a monitor unit. As set forth above, Ise neither discloses nor suggests both a navigation computing unit and monitor unit. Specifically, Ise neither discloses nor suggests:

“transmitting onto said data bus from the navigation computing unit (i) a first position signal indicative of the position of a trip starting location, (ii) a second position signal indicative of a trip destination location, and (iii) said first navigation system position signal;

receiving at the monitor unit said first position signal, said second position, and said first navigation system position signal;

generating, at the monitor unit, initial image data including map data indicative of the trip starting location, the trip destination location and the current position of the navigation system; and

displaying an initial image indicative of said initial image data.” (emphasis added, cl. 13).

That is, Ise neither discloses nor suggests utilizing a navigation computing unit and a monitor unit as set forth in claim 13 to generate and display an initial image. Again, the conclusionary allegation “[s]o, it would have been obvious to one of ordinary skill in the art to use two different units in order to share responsibility and provide faster respond.” (Official Action, pg. 5, lines 7-9) is simply incapable of establishing a prima facie case of obviousness. Hence, it is respectfully submitted that claim 13 is also patentable for at least the same reasons set forth above with respect to claim 1.

B. The Claims are Patentable Over U.S. Patent 5,821,880

Claims 1-13 currently stand rejected for allegedly being obvious in view of the subject matter disclosed in U.S. Patent 5,821,880 to Morimoto et al (hereinafter "Morimoto").

Claim 1

Claim 1 of the present invention recites a navigation system for use in a motor vehicle. The system includes "*a navigation computing unit that receives the first navigation system position signal, and transmits onto the data bus (i) a first position signal indicative of the position of a trip starting location, (ii) a second position signal indicative of a trip destination location, and (iii) the first navigation system position signal*" (cl. 1). The system also includes a monitor unit having a memory device that includes map data, and a monitor computing unit. The monitor computing unit receives from the data bus: (i) the first position signal, (ii) the second position signal and (iii) the received navigation system position signal, and accesses the memory device to generate initial image data including map data indicative of the trip starting location, the trip destination and the current position of the navigation system. Claim 1 recites that "*the navigation computing unit receives a second navigation position signal indicative of a new position of the navigation system and transmits the second navigation position signal over the data bus to the monitor computing unit, which generates revised image data including map data indicative of the trip starting location, the trip destination and the updated position of the navigation system, which is provided for display on said display device.*" (cl. 1).

Significantly, the navigation system of claim 1 includes a navigation computing unit and a monitor computing unit. As set forth in claim 1, the monitor computing unit receives position data from the navigation computing unit, and generates initial image data that is displayed to a

user.

It is now admitted in the Official Action that Morimoto discloses one computing unit as claimed (see Official Action, pg. 6, last line). However, it is then alleged “[s]o, it would have been obvious to one of ordinary skill in the art to use two different units in order to share responsibility and provide faster respond.” (Official Action, pg. 6, last line – pg. 7, line 2). However, a prima facie obviousness rejection has not been presented. There is nothing on the record to indicate why a skilled person would have modified the structure disclosed in Morimoto based upon the teaching of Morimoto or a suggestion in the prior art. An obviousness rejection must include a statement regarding where the alleged suggestion is in prior art. “*Although the Commissioner suggests that [the structure in the primary prior art reference] could readily be modified to form the [claimed] structure, [t]he mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.*” In re Laskowski, 10 U.S.P.Q.2d 1397, 1398 (Fed. Cir. 1989), citing In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984).

In the present case the Official Action is lacking the necessary factual and non-conclusionary reasoning regarding why one of ordinary skill in the art, at the time of the present invention, would have been motivated to modify Morimoto as suggested. It is respectfully submitted that a prima facie case of obviousness has not been presented.

Claim 7

Claim 7 of the present invention also recites a navigation system for use in a motor vehicle. The navigation system recited in claim 7 includes: (i) a navigation computing unit and (ii) “*means responsive to (i) said first position signal, (ii) said second position signal and (iii)*

said received navigation system position signal and said map data, for generating initial image data including map data indicative of the trip starting location, the trip destination and the current position of the navigation system;” (cl. 1). However, again the Official Action simply includes an ***unsupported conclusionary contention*** that a person of ordinary skill would have found it obvious to use two different units in order to share responsibility and provide faster response. Hence, it is respectfully submitted that claim 7 is patentable for at least the same reasons set forth above with respect to claim 1.

Claim 13

Claim 13 recites a method of generating an image for display by a motor vehicle navigation system that includes a navigation computing unit, a data bus and a monitor unit. As set forth above, Morimoto neither discloses nor suggests both a navigation computing unit and monitor unit. Specifically, Morimoto neither discloses nor suggests:

“transmitting onto said data bus from the navigation computing unit (i) a first position signal indicative of the position of a trip starting location, (ii) a second position signal indicative of a trip destination location, and (iii) said first navigation system position signal;

receiving at the monitor unit said first position signal, said second position, and said first navigation system position signal;

generating, at the monitor unit, initial image data including map data indicative of the trip starting location, the trip destination location and the current position of the navigation system; and

displaying an initial image indicative of said initial image data.” (emphasis added, cl. 13).

That is, Morimoto neither discloses nor suggests utilizing a navigation computing unit and a monitor unit as set forth in claim 13 to generate and display an initial image. Again, the conclusionary allegation “[s]o, it would have been obvious to one of ordinary skill in the art to

use two different units in order to share responsibility and provide faster respond” (Official Action, pg. 6, last line – pg. 7, line 2) is simply incapable of establishing a prima facie case of obviousness. Hence, it is respectfully submitted that claim 13 is also patentable for at least the same reasons set forth above with respect to claim 1.

CONCLUSION

For all the foregoing reasons, we submit that the rejections of claims 1-13 are erroneous and reversal thereof is respectfully requested.

If there are any fees due in connection with the filing of this appeal brief, please charge them to our Deposit Account 19-0079. If a fee is required for any extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should be charged to the above Deposit Account.

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CLAIMS

1.(Original) A navigation system for use in a motor vehicle, comprising:

a position sensor that that senses the geographic position of said navigation system and provides a first navigation system position signal indicative thereof;

a data bus;

a navigation computing unit that receives said first navigation system position signal, and transmits onto said data bus (i) a first position signal indicative of the position of a trip starting location, (ii) a second position signal indicative of a trip destination location, and (iii) said first navigation system position signal;

a monitor unit that includes

- a memory device that includes map data;
- a monitor computing unit that receives from said data bus (i) said first position signal, (ii) said second position signal and (iii) said received navigation system position signal, and accesses said memory device to generate initial image data including map data indicative of the trip starting location, the trip destination and the current position of the navigation system; and
- a display device responsive to said image data, to display an initial image indicative of said image data;

wherein said navigation computing unit receives a second navigation position signal indicative of a new position of said navigation system and transmits said second navigation position signal over said data bus to said monitor computing unit, which generates revised image data including map data indicative of the trip starting location, the trip destination and the

updated position of the navigation system, which is provided for display on said display device.

2.(Original) The navigation system of claim 1, wherein said position sensor comprises a global position satellite (GPS) receiver.

3.(Original) The navigation system of claim 2, wherein said first position signal and said second position signal each include longitude and latitude position data.

4.(Previously Amended) The navigation system of claim 1, wherein said navigation computing unit also transmits to said monitor computing unit via said data bus (iv) an instruction that a first place symbol belongs at the map location associated with the trip starting location, and (v) an instruction that a second place symbol belongs at the map location associated with the trip destination location.

5.(Original) The navigation system of claim 4, wherein said navigation computing unit also transmits to said monitor computing unit via said data bus (vi) an instruction that a throughway runs between the trip starting location and the trip destination location.

6.(Original) The navigation system of claim 5, wherein said first and second position signals each include geographic data formatted in accordance with the WGS 84 Standard.

7.(Original) A motor vehicle navigation system, comprising:

a position sensor that senses the geographical position of said navigation system and provides a first navigation system position signal indicative thereof;

a data bus;

a navigation computing unit that receives said first navigation system position signal, and transmits onto said data bus (i) a first position signal indicative of the position of a trip starting location, (ii) a second position signal indicative of a trip destination location, and (iii) said received navigation system position signal;

a road map memory device that includes map data;

means responsive to (i) said first position signal, (ii) said second position signal and (iii) said received navigation system position signal and said map data, for generating initial image data including map data indicative of the trip starting location, the trip destination and the current position of the navigation system; and

a display that displays an initial image indicative of said initial image data.

8.(Original) The motor vehicle navigation system of claim 7, wherein said navigation computing unit receives a second navigation position signal indicative of a new position of said navigation system and transmits said second navigation position signal over said data bus to said monitor computing unit, which generates revised image data including map data indicative of the trip starting location, the trip destination and the updated position of the navigation system, which is provided for display on said display.

9.(Original) The motor vehicle navigation system of claim 8, wherein said position sensor comprises a global position satellite (GPS) receiver.

10.(Original) The motor vehicle navigation system of claim 9, wherein said data bus comprises a Media Oriented Synchronous Transfer (MOST) bus.

11.(Original) The motor vehicle navigation system of claim 9, wherein said data bus comprises a Multi Media Link (MML) bus.

12.(Original) The motor vehicle navigation system of claim 7, wherein said navigation computing unit computes a travel route between the trip starting location and the trip destination, and transmits a signal indicative of said travel route to said means for generating over said data bus.

13.(Original) A method of generating an image for display by a motor vehicle navigation system that includes a navigation computing unit, a data bus and a monitor unit, comprising:

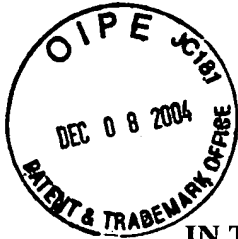
sensing the geographical position of the navigation system and providing a first navigation system position signal indicative thereof;

transmitting onto said data bus from the navigation computing unit (i) a first position signal indicative of the position of a trip starting location, (ii) a second position signal indicative of a trip destination location, and (iii) said first navigation system position signal;

receiving at the monitor unit said first position signal, said second position, and said first navigation system position signal;

generating, at the monitor unit, initial image data including map data indicative of the trip starting location, the trip destination location and the current position of the navigation system;
and

displaying an initial image indicative of said initial image data.



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CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that the enclosed Appeal Brief (along with any paper referred to as being attached or enclosed therein) is being deposited with the United States Postal Service on **December 6, 2004** with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Tanya R. Bellanti